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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	77199918
Applicant	Chicago Mercantile Exchange Inc.
Applied for Mark	CHI
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Submission	Applicant's Request to Extend
Attachments	130719 Request For 30 Day Extension of Time CHI final.pdf(11299 bytes)
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Date	07/19/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application of:	
CHICAGO MERCANTILE EXCHANGE INC.	Examining Attorney:
Serial No.: 77/199,918	Linda A. Powell
Filed: June 7, 2007	Law Office 106
Mark: CHI	

APPLICANT'S REQUEST FOR EXTENSION OF TIME TO FILE APPEAL BRIEF

Applicant, Chicago Mercantile Exchange Inc. ("Applicant"), through its undersigned counsel, files this request for a thirty (30) day extension of time to file its appeal brief. Applicant filed its application to register the mark CHI on June 7, 2007 ("Applicant's Mark"). The Examining Attorney refused registration of Applicant's Mark arguing that Applicant's Mark, as used on the specimen of record, merely identifies a process or system and does not function as a service mark to identify and distinguish Applicant's services from those of others and to indicate the source of those services. Applicant appealed the Examining Attorney's decision. Applicant respectfully requests a thirty (30) day extension of time to file its appeal brief. As set forth below, Applicant has good cause for filing this Request for Extension of Time.

BACKGROUND

Applicant filed its application to register the mark CHI on June 7, 2007. The Examining Attorney issued her Final Refusal on October 5, 2012. Registration of Applicant's Mark was refused because, in the Examining Attorney's opinion, Applicant's Mark, as used on the specimen of record, merely identifies a process or system and

does not function as a service mark to identify and distinguish Applicant's services from those of others and to indicate the source of those services. 15 U.S.C. §§1051-1053, 1127. On April 5, 2013, Applicant filed a Request for Reconsideration with the Examining Attorney. Also, on April 5, 2013, Applicant filed its Notice of Appeal and requested that this proceeding be suspended while the Request for Reconsideration was pending. Ultimately, the Request for Reconsideration was denied on May 22, 2013, and the present appeal was resumed. Applicant was given sixty days from the mailing day of the May 27, 2013, Order of United States Patent and Trademark Office Trademark Trial and Appeal Board ("Board") to file its appeal brief. This deadline is set to expire on July 26, 2013.

ARGUMENT

Under Rule 1203.02(d) of the TTAB Manual of Procedure ("TBMP"), an applicant may request an extension of time to file an appeal brief upon showing good cause for the requested extension. TBMP Rule 1203.02(d). The rule states that "[t]he determination of good cause will be based upon all relevant circumstances, including the length of time of any previously granted extensions." TBMP Rule 1203.02(d). A "press of other business" may be sufficient to show good cause for an initial thirty (30) day extension of time. TBMP Rule 1203.02(d).

The present request is Applicant's first request for an extension of time. Applicant requests an extension of time to file an appeal brief because Applicant's counsel needs additional time to review the prosecution history of the application, conduct the necessary legal research, and prepare substantive arguments in support of the appeal. Applicant's request is made in good faith and is not for purposes of delay.

CONCLUSION

Based upon the foregoing, Applicant respectfully requests that the Board grant its first request for a thirty (30) extension of time to file its appeal brief until August 25, 2013. Applicant has demonstrated good cause to grant this request.

Respectfully submitted,

**CHICAGO MERCANTILE
EXCHANGE INC.**

Dated: July 19, 2013

By:

/Tatyana V. Gilles/

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